



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

TM:SEF
F.#2010R00578

271 Cadman Plaza East
Brooklyn, New York 11201

February 13, 2012

By ECF and Hand

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Virtuoso
Criminal Docket No. 11-508 (SLT)

Dear Judge Townes:

The government writes in opposition to the defendant's request that his sentencing be adjourned for five weeks, until the week of March 26, 2012. Although the government has indicated to defense counsel that it would consent to a brief adjournment, counsel has rejected that proposal as insufficient.

On October 25, 2011, the defendant pled guilty, pursuant to a plea agreement, to a single count of extortionate collection of credit, in violation of 18 U.S.C. § 894(a)(1). His Pre-Sentence Investigation Report ("PSR") was completed and disclosed nearly one month ago, on January 17, 2012. To date, the defendant has filed no objections to that report.

On October 28, 2011, the defendant also pled guilty in the Southern District of New York, pursuant to a plea agreement, to extortion conspiracy, in violation of 18 U.S.C. § 1951(a). The defendant's PSR was disclosed in that case more than two weeks ago, on January 26, 2012. To date, the defendant has filed no objections. The defendant was scheduled to be sentenced in that case on February 17, 2012, but has requested an adjournment.

The facts of this case are straightforward and the defendant has had sufficient time to review the PSRs and prepare his sentencing submission. There is simply no basis for an extended adjournment of sentencing here.

Accordingly, the government respectfully requests that the defendant's request for a five-week adjournment of sentencing be denied.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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cc: Joseph DiBenedetto, Esq. (by ECF)
Clerk of Court (SLT) (by ECF)